

Appl. No. 09/373,625  
Reply to Office Action of August 1, 2003

REMARKS

Favorable reconsideration of this application in light of the following discussion is respectfully requested.

Claims 1-8, 10-18, 20-24, 26-40, 42-57 and 60-63 are presently active in this case.

In the outstanding Office Action, Claim 60 was rejected under 35 U.S.C. § 112, second paragraph, as being indefinite; Claims 43-57 and 60-63 were rejected under 35 U.S.C. § 102(e) as being unpatentable over U.S. Patent No. 6,452,498 to Stewart et al.; and Claims 1-8, 10-18, 20-24, 26-40 and 42 were allowed.

First, Applicants wish to thank the Examiner for allowance of Claims 1-8, 10-18, 20-24, 26-40, and 42.

In response to the rejection under 35 U.S.C. § 112, second paragraph, Applicants respectfully submit that “said vehicle” in Claim 60 has proper antecedent basis. It is settled law that a claim is not indefinite under 35 U.S.C. § 112, second paragraph, if the scope of the claim would be reasonable ascertainable by those skilled in the art. *Ex parte Porter*, 25 USPQ2d 1144, 1145 (Bd. Pat. App. & Inter. 1992). Moreover, according to M.P.E.P. § 2173.05(e), a claim is indefinite when it contains words or phrases whose meaning is unclear. This lack of clarity can arise when there is lack of antecedent basis for a claim element. Lack of antecedent basis is when it is unclear as to what a claim element is making reference. “[H]owever, the failure to provide explicit antecedent basis for terms does not always render a claim indefinite. If the scope of a claim would be reasonably ascertainable by those

skilled in the art, then the claim is not indefinite. *Ex parte Porter*, 25 USPQ2d 1144, 1145 (Bd. Pat. App. & Inter. 1992).

The preamble of Claim 60 recites “A method of displaying promotions information to a vehicle occupant, comprising.” The body of Claim 60 then refers to “said vehicle.” Applicants respectfully submit that it is clear from the claim itself that “said vehicle” refers to the vehicle that the “vehicle occupant” is an occupant in. Thus, even if the examiner takes the position that there is no explicit antecedent basis for “said vehicle,” this does not result in a lack of antecedent basis. Moreover, it would be clear to one of ordinary skill in the art reading the specification in this case that the term “said vehicle” refers to the vehicle that the “vehicle occupant” is an occupant in, as noted above. Therefore, the rejection under 35 U.S.C. § 112, second paragraph, is believed to be overcome and no further rejection on this basis is anticipated.

Turning now to the merits, Applicants' invention is directed to a method and system for distributing promotional information. The inventors of the present application have identified a need for a system that automatically provides targeted promotional information in the way of advertising, coupons, etc. to consumers at a time when work or personal obligations do not otherwise command the consumers' attention. The claimed invention meets this need by providing a method and system for automatically distributing targeted promotional information to occupants of a vehicle based on a position of the vehicle in relation to a store associated with the promotional information. Specifically, Applicants' independent Claims 43 and 60 recite an in-vehicle promotion system that monitors a position

of the vehicle in relation to a store, transmits or communicates identity information identifying a person associated with the vehicle and automatically displays promotional information targeted for the person based on a purchase history of the person when the monitoring indicates that the vehicle is in a predetermined position in relation to the store.

In contrast, the newly cited reference to Stewart discloses a geographic based communications system having a mobile unit for transmitting/receiving information, and access points connected to a network. While Stewart discloses that promotional information can be sent to the mobile unit, Stewart does not disclose that the promotional information is targeted for a person based on a purchase history of the person when the monitoring indicates that the vehicle is in a predetermined position in relation to the store. Specifically, the Official Action cites the following as teaching the targeted advertising feature of the claimed invention:

Still another feature of the invention is the ability to provide customized messages based on the location of the active access point or on the user's profile. For example, a user accessing a network through an access point in a hotel may be provided information about promotions offered by the hotel or other affiliated hotels, airlines, car rental agencies or other providers of goods and services.<sup>1</sup>

However, Applicants submit that this disclosure indicates that a user can be provided with promotions for a particular entity (hotel in the example above) if the user accesses an access point in the entity. That is, the cited portion of Stewart discloses that the promotions are provided for a particular entity based on the location of the access point, but says nothing

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<sup>1</sup> Stewart at col. 8, lines 22-29.

about the promotion itself being targeted to the user of the mobile unit based on a purchasing history of the user.

In addition, the cited portion of Stewart discloses that the promotions are provided to the mobile unit when the user accesses the network through an access point. However, as argued extensively on record in this case, the claimed system of the present invention actively monitors the position of a vehicle in relation to a store associated with the vehicle, and then automatically sends the targeted promotion to the vehicle when the vehicle comes within a predetermined proximity of the store. Stewart simply does not disclose this automatic feature with respect to promotions.

Finally, Applicants note that the cited portion of Stewart does not disclose that the promotions are automatically displayed on an interior display of the vehicle after the vehicle comes within a predefined range of the store. Indeed, the short disclosure of Stewart relating to promotions is silent as to how the promotions are delivered to the user. That is, the promotions may be audio that is not displayed at all, or may be audio or video that is not provided to the user without the user selecting or somehow initiating the promotion. Applicants submit that the cited portion of Stewart does not provide enough information to teach or suggest that the promotions are automatically displayed on an interior display of the vehicle after the vehicle comes within a predefined range of the store.

For the reasons discussed above, independent Claims 43 and 60 patentably define over Stewart. Moreover, as 44-57 and 61-63 depend from Claims 43 and 60 respectively, these claims also patentably define over Stewart.

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Consequently, in view of the present amendment, no further issues are believed to be outstanding in the present application, and the present application is believed to be in condition for formal Allowance. An early and favorable action is therefore respectfully requested.

Respectfully submitted,

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